

# Exhibit B

## **Of Appendix To Plaintiffs' Motion for Default Judgment and Memorandum in Support Thereof**

C.A. No. 4-05-CV-514-Y *AzTex Dairy, Inc., Fred R. Lueck, Sr., and Judy A. Lueck v. Jimmy Dale Anderson*, In the United States District Court for the Northern District of Texas, Fort Worth Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

AZTEX DAIRY, INC.; FRED R.  
LUECK, SR. AND JUDY A. LUECK,

Plaintiffs,

v.

JIMMY DALE ANDERSON,

Defendant.

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Civil Action No. 4-05CV-514-Y

CLERK'S ENTRY OF DEFAULT

After considering Plaintiffs' Request for Entry of Default against Defendant, the affidavits, and other evidence on file, the court **FINDS** that the Defendant did not file a responsive pleading or otherwise defend the suit, and **THEREFORE**, the record supports entry of default.

Signed on October 3, 2005

KAREN MITCHELL

CLERK OF COURT  
U.S. District Court  
Northern District of Texas  
Ft. Worth Division

by: *Wm. Barnes*  
*Deputy Clerk*

4:05-cv-00514 Aztex Dairy Inc et al v. Anderson

Terry R Means, presiding

Date filed: 08/17/2005 Date of last filing: 10/03/2005

## History

Doc. No.	Dates	Description
1	Filed & Entered: 08/17/2005	● Complaint
2	Filed & Entered: 08/17/2005	● Summons Issued
3	Filed & Entered: 08/17/2005	● Cert. Of Interested Persons/Disclosure Statement
4	Filed: 08/18/2005 Entered: 08/19/2005	● Order Designating Case for ECF
5	Filed & Entered: 08/26/2005	● Summons Returned Executed
6	Filed & Entered: 09/30/2005	● Motion for Default Judgment
7	Filed: 10/03/2005 Entered: 10/04/2005	● Clerk's Entry of Default

PACER Service Center			
Transaction Receipt			
10/19/2005 18:17:58			
PACER Login:	bb0033	Client Code:	002632.3478
Description:	History/Documents	Search Criteria:	4:05-cv-00514
Billable Pages:	1	Cost:	0.08

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Northern

District of

Texas

AzTex Dairy, Inc.;  
Fred R. Lueck, Sr.;  
Judy A. Lueck

V.

Jimmy Dale Anderson

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

4-05 CV-514-Y

TO: (Name and address of Defendant)

Jimmy Dale Anderson  
731 FM 2156  
Dublin, Texas 76446

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Tynan Buthod  
J. Scott Janoe  
Baker Botts L.L.P.  
910 Louisiana  
3000 One Shell Plaza  
Houston, Texas 77002

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

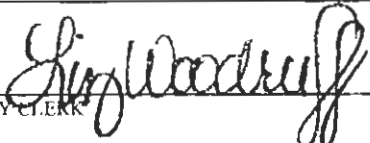
CLERK OF COURT

AUG 17 2005

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>August-22-2005</u>	
NAME OF SERVER (PRINT) <u>Kenneth Haley</u>	TITLE <u>C+H Civil Process Service</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <div style="margin-left: 40px;"><u>662 P.R 1169 Dublin TX</u></div>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <div style="margin-left: 40px;">Name of person with whom the summons and complaint were left:</div>		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
<p>Executed on <u>August 22-2004</u> <u>Kenneth Haley</u></p> <div style="display: flex; justify-content: space-around; font-size: small;"> <span>Date</span> <span>Signature of Server</span> </div>		
<u>1541 Sheila Stephenville, TX 76401</u> <div style="font-size: small;">Address of Server</div> <u>254-968-3128</u>		

 FILED COURT  
 U.S. DISTRICT OF TX  
 NORTHERN DIVISION  
 2005 AUG 25 AM 10:29  
 CLERK OF COURT

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.